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Letter dated 29 September 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a communiqué from the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela, making a pronouncement on the current status of the request for the extradition of terrorist Luis Clemente Posada Carriles, who, as is common knowledge, is presently in the United States of America (see annex). The acts of which he stands accused as a terrorist are explained in detail in the document circulated by the Secretariat of the United Nations dated 16 June 2005 under the symbol A/59/849-S/2005/394.

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under agenda item 108, and as a document of the Security Council.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

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Annex to the letter dated 29 September 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

Pronouncement on the results of the immigrations proceedings regarding terrorist Luís Clemente Posada Carriles in the United States of America

The Ministry of Foreign Affairs wishes to inform the general public of its categorical rejection of the decision of Judge William Abbot, who ruled that Luis Posada Carriles could not be deported to Venezuelan territory on the grounds that he might be subject to torture. That decision was based entirely on the false allegations of Posada Carriles's defence counsel, with no other legal substantiation than the testimony of a supposed expert witness, whose objectivity is in doubt in view of his previous working connection with Posada Carriles.

It should be noted that the Constitution of the Bolivarian Republic of Venezuela enshrines in article 46 respect for the physical, psychological and moral integrity of every individual and expressly prohibits torture and degrading treatment. It provides in article 43 for the inviolability of the right to life and in article 49 for the right of every citizen to due process before the organs responsible for the administration of justice. Moreover, the country has been a party to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment since 26 July 1991. At no time in recent years has the Bolivarian Republic of Venezuela been the subject of allegations by any international organization about the torture of any person. Furthermore, the country adheres to international criminal procedural safeguards, as has been demonstrated in the cases in which fugitives from justice from neighbouring countries have been deported or extradited.

The Ministry of Foreign Affairs considers that this decision is totally unacceptable and reveals the political manipulation of the case, in which disrespect was shown for the most fundamental principles of international law. It is clear to the international community that the Government of the United States of America is giving out double messages, proclaiming its leadership in the fight against terrorism, while at the same time harbouring a fugitive from Venezuelan justice who is accused of killing 73 persons by blowing up a passenger airliner on 6 October 1976.

The Ministry of Foreign Affairs, in the name of the Venezuelan people and above all for the sake of the justice that is owed to the families of the victims, states its demand to the United States Department of State that it should immediately turn over to a federal judge the file delivered by the Bolivarian Republic of Venezuela on 15 June 2005, in which it requested the extradition of Luis Posada Carriles, so that proceedings may be initiated that, we hope, will lead to the extradition of the terrorist in the interests of justice.

We are confident that the people of the United States of America, who themselves have experienced the tragedy of being victims of terrorism, will add their voices to the those of the Venezuelan people in this struggle and will demand that their authorities extradite the terrorist Luis Posada Carriles to Venezuelan territory.